

1 Wilma L. Joseph (CONS/PE)**Case No. 03CEPR00827**

Attorney Rindlisbacher, Curtis (for Lisa M. Lepper, Trustee of the Joseph 1994 Rev. Living Trust)

Attorney Ratzlaff, Ruth E. (for Beverly Perryman, Conservator of the Person and Estate)

Attorney Poochigian, Mark S. (for California Baptist Foundation)

Probate Status Hearing Re: Termination of Proceeding for Deceased Conservatee

DOD: 6/17/2014		<p>BEVERLY PERRYMAN, niece, was appointed Conservator of the Person on 7/22/2003, and as Conservator of the Estate on 12/29/2008.</p> <p>Notice of Status Hearing filed 6/10/2015 set this status hearing on 7/23/2015 for termination of proceedings for the deceased Conservatee. Clerk's Certification of Mailing shows notice was served to Beverly Perryman on 6/10/2015.</p> <p>Order Approving Substituted Judgment to Create Charitable Remainder Trust and Amend Revocable Trust) Prob. C. 2580(a) filed 12/29/2008 finds, in part:</p> <ul style="list-style-type: none"> BEVERLY PERRYMAN is appointed as Conservator of the Estate for the sole purpose of creating and executing the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST approved by this Court order (to minimize income taxes), and to execute the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST approved by this court order; Upon execution of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST, the Conservatorship of the estate shall terminate; LISA M. LEPPER shall serve as Trustee of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST until the death of Wilma L. Joseph, and upon her death Lisa Lepper shall execute a resignation as Trustee, and the CALIFORNIA BAPTIST FOUNDATION shall then serve as the Successor Trustee of both of these trusts. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <ol style="list-style-type: none"> Need current Status Report pursuant to Local Rule 7.5(B), and notice of the status hearing with a copy of the Status Report to be served on all parties. Order Appointing Probate Conservator filed 12/29/2008 containing Attachment 29 finds that upon execution of the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST, the Conservatorship of the estate shall terminate. Need proof to be filed with the Court that the WILMA L. JOSEPH CHARITABLE REMAINDER TRUST and the SECOND AMENDMENT TO THE AMENDED AND RESTATED JOSEPH 1994 REVOCABLE LIVING TRUST were executed, and that the terms of said Order have been met such that the Conservator of the Person and Estate may be discharged via an <i>Ex Parte Petition for Final Discharge and Order</i>. Need proposed order for termination of the Conservatorship.
Cont. from			
Aff.Sub.W			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg	X		
Aff.Mail	X		
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9202			
Order	X		
Aff. Post			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notc			

Reviewed by: LEG
Reviewed on: 7/20/15
Updates:
Recommendation:
File 1 – Joseph

**Probate Status Hearing Re: Failure to File the Inventory and Appraisal and for
Failure to File the First Account or Petition for Final Distribution**

DOD: 2/6/2004	MARTIN WAYDE CHANEY and RHONDA ANN CHANEY MALEWSKI were appointed co-administrators with full IAEA authority and without bond on 10/12/2004. Letters issued on 10/12/2004. Inventory and appraisal was due March 2005. First account or petition for final distribution was due October 2005. Creditor's Claims filed: U.S. Bank - \$1,778.52. Inventory and Appraisal filed on 1/20/15 showing an estate valued at \$423,000.00. Status Report of Martin Wade Chaney filed on 7/14/15 states following the status hearing on 1/15/15, the co-administrators agreed to list the real property for sale. A listing agreement for sale of the real property is anticipated to be executed shortly. In the meantime, co-administrator Cheney's counsel has prepared a draft Petition for Settlement of First and Final Account and for Final Distribution for review by co-administrator Malewski and her attorney. Assuming the proposed petition is satisfactory to co-administrator Malewski and her counsel, co-administrator Cheney believes the estate is in a condition to be distributed and closed. If not, then it is estimated that an additional 3 months will be necessary to close the administration of the estate.	NEEDS/PROBLEMS/COMMENTS: 1. Inventory and Appraisal was only signed by Martin Wayde Chaney. Probate Code §8852 requires both personal representatives to sign the inventory and appraisal.
Cont. from 020714, 011515, 012515		
Aff.Sub.Wit.		
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Inventory		
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Notice of Hrg		
Aff.Mail		
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Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: KT Reviewed on: 1/13/15 Updates: Recommendation: File 2 – Chaney

3 Zoe Louise Nadine O’Ryan (GUARD/P)**Case No. 06CEPR00577****Attorney:** Rusca, Rodney R. (for Petitioner Heather Huffman, mother)**Guardian:** Nora S. Yerena (Pro Per, maternal aunt)**Petition for Visitation**

		HEATHER HUFFMAN , mother, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 7/2/2015. Minute Order states the Court orders visitation for Heather Huffman on 7/3/2015 from 9am to 5pm to be supervised by Bonnie Keller one-hundred percent of the time. Ms. Keller will pick up/drop off the minor timely. The Court further orders Ms. Yerena and Mr. Rusca to communicate with regard to finding a PhD and to provide written proof of credentials. Ms. Huffman will pay for Ms. Yerena's initial session with the psychologist and the sessions for herself and the minor, as well as for the report regarding a recommendation as to visitation.
		NORA SUE HUFFMAN (YERENA) maternal aunt, was appointed Guardian on 1/4/2012. <i>Proof of Personal Service filed 6/16/2015 shows Nora Yerena was personally served on 5/12/2015.</i> Please see Petition for details	
Cont. from 052815, 061815, 070215			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
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	Duties/Supp		
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	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 7/21/15
			Updates:
			Recommendation:
			File 3 – O’Ryan

(1) Second and Final Account and Report of Conservator; (2) Petition for Allowance of Compensation to Conservator and Attorney; and (3) Distribution.

DOD: 8/22/14		PUBLIC GUARDIAN , Conservator, is Petitioner. Account period: 10/2/12 – 8/22/14 Accounting: \$130,406.97 Beginning POH: \$78,134.32 Ending POH: \$12,318.82 Account period: 8/23/14 – 9/30/14 Accounting: \$14,208.26 Beginning POH: \$12,318.82 Ending POH: \$ 9,312.90 (\$7,903.37 cash plus personal property items) Conservator: \$4,852.92 (for 36.04 Deputy hours @ \$96/hr and 18.33 Staff hours @ \$76/hr, itemized at Exhibit C) Attorney: \$1,250.00 (Less than local rule) Bond fee: \$50.00 (minimum – ok) Costs: \$435.00 Petitioner states the Decedent's will is a pour-over will to her trust, so her assets consisting of \$1,315.45 plus personal property items should be distributed to the successor trustee, Kathleen Carlton. Copies of will and trust attached.	NEEDS/PROBLEMS/COMMENTS: Continued from 4/30/15, 6/11/15. As of 7/20/15, nothing further has been filed. <u>Note:</u> Status Report filed 6/9/15 states the PG does not have an original copy of the will. Ms. Kruthers contacted Attorney Robyn Esraelian to request the original, who reported that she does not have the original. She is attempting to contact another family member to request the original. Therefore, PG needs a continuance to wait for the attorney to track down the will. The PG has requested an affidavit from the trustee and expects to have it before the continued date. Ms. Kruthers respectfully requests that this matter be continued for another six weeks. There is no harm to the estate for the delay because it is just two item of personal property that are secured. <u>The following issues remain noted:</u> 1. Need Declaration pursuant to Probate Code §13100 from Kathleen Carlton, Successor Trustee of the Family Trust of Elmer M. Herman and Esther F. Herman. 2. Need Declaration re trust from Kathleen Carlton, Successor Trustee, pursuant to Local Rule 7.12.5. 3. Need original will pursuant to Probate Code §8200.
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<input checked="" type="checkbox"/>	Order		
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DOD: 6/15/2012		ESPERANZA S. BOOKE , sister, was appointed Administrator with Full IAEA authority without bond on 1/9/2013.	NEEDS/PROBLEMS/COMMENTS:
		Letters issued on 1/16/2013.	Page 6B is the Order to Show Cause.
Cont. from: 030714, 040414, 061215		Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was due 5/16/2013 .	Continued from 6/12/2015. Minute Order states no appearances.
Aff.Sub.Wit.		Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was due 5/16/2013 .	Note for background: Minute Order dated 4/4/2014 states the Court is informed that the estate is being kept open for the purpose of pursuing the litigation.
Verified			
Inventory	X	Inventory and Appraisal filed on 8/22/2013 shows an estate value of \$0.00 , indicating this is a no-asset estate opened in order to allow the personal representative to proceed with a wrongful death claim on behalf of Decedent's heirs.	The following issues from the last hearing remain:
Account	X		
Not.Cred.		Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 1/16/2014 .	1. Need <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800(b), based upon the <i>Inventory and Appraisal</i> filed on 8/22/2013 not actually containing an inventory or appraisal of the estate pending resolution of a wrongful death proceeding. Recovered funds from the proceeding must be inventoried and appraised and reported to the Court in a filed <i>Final Inventory and Appraisal</i> pursuant to Probate Code § 8800.
Notice of Hrg			
Aff.Mail		Minute Order dated 1/9/2013 set a Status Hearing on 3/7/2014 for filing of the first account and/or petition for final distribution.	2. Need first and final account, or current verified Status Report and proof of service of the Status Report pursuant to Local Rule 7.5(B).
Aff.Pub.			
Sp.Ntc.		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	Reviewed by: LEG
Pers.Serv.			
Conf. Screen		Minute Order dated 1/9/2013 set a Status Hearing on 3/7/2014 for filing of the first account and/or petition for final distribution.	Reviewed on: 7/22/14
Letters			
Duties/Supp		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	Updates:
Objections			
Video Receipt		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	Recommendation:
CI Report			
9202		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	File 6A – Salinas
Order			
Aff. Posting		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	
Status Rpt	X		
UCCJEA		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	
Citation			
FTB Notice		Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.	

Order to Show Cause

DOD: 6/15/2012	ESPERANZA S. BOOKE, sister, was appointed Administrator with Full IAEA authority without bond on 1/9/2013.	NEEDS/PROBLEMS/COMMENTS: Declaration of Attorney Re Sanctions for Failure to Appear on 6/12/2015 filed 7/20/2015 states:
Cont. from		
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Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order	<p>Minute Order [Judge Hamlin] dated 3/7/2014 states: No appearances. The Court will expect the first account and/or petition for final distribution to be filed before the next hearing. Failure to file said document(s) will result in the issuance of an order to show cause regarding contempt. Matter continued to 4/4/2014. Kara Schacher is ordered to be personally present on 4/4/2014.</p> <p>Minute Order dated 4/4/2014 from the continued hearing states the Court is informed that the estate is being kept open for the purpose of pursuing the litigation.</p> <p>Minute Order dated 6/12/2015 states: No appearances. The Court issues an Order to Show Cause for both attorney Kara Schacher and Esperanza S. Boone to appear either in person or by CourtCall as to why they should not be sanctioned for failure to appear and failure to file an accounting or status report, and as to why Esperanza S. Boone should not be removed as the personal representative.</p> <p>Clerk's Certificate of Mailing filed 6/12/2015 indicates a copy of the Minute Order of 6/12/2015 was mailed to Attorney Schacher and Esperanza S. Boone on 6/12/2015.</p>	<ul style="list-style-type: none"> • She did not appear at the hearing on 6/12/2015 due to a mistake in her calendar; • She had the matter set for 7/12/2015, which is actually a Sunday, and thus she can only state that she must have entered the month incorrectly when calendaring the court date; • She apologizes for any inconvenience to the Court for her mistake; • She respectfully asks that the Court not dismiss the action, that the Court not remove Petitioner as the personal representative, and that the Court not issue sanctions for her failure to appear at the hearing; • On 6/24/2015 she spoke to Attorney ROBERT MAY, who is the attorney of record for the wrongful death lawsuit brought by Ms. Salinas' family in San Luis Obispo County, and he has informed her that the trial in that matter has been continued to February of 2016; she asks the Court to set this matter out for a status hearing in spring or summer of 2016; • She asks the Court to allow her to appear via CourtCall.
Aff. Posting		Reviewed by: LEG
Status Rpt		Reviewed on: 7/22/15
UCCJEA		Updates: 7/22/15
Citation		Recommendation:
FTB Notice		File 6B – Salinas

		<p>CATHERINE A. AMADOR, Petitioner, is the attorney for Michele Torres and Nadine Walker since 10/23/14 in presenting objections regarding a prior petition for appointment of conservatorship of their mother by their brother, Stanley Greenberg, and in filing a competing petition.</p> <p>The Public Guardian was appointed as Conservator of the Person and Estate on 12/10/14.</p> <p>Petitioner requests fees in connection with her representation of Ms. Torres and Ms. Walker and in reaching agreement on the matter.</p> <p>Petitioner asks that she be paid \$5,596.00, which includes \$5,125.00 for 20.50 attorney hours @ \$250/hr and costs of \$471.00.</p> <p>Service are itemized by date and include appearance at hearings, working with Mr. Helon and Mr. Bagdasarian to resolve questions concerning the conservatorship estate and management of trust assets, etc.</p> <p>An Objection was filed 6/24/15 by Stanley Greenberg, former temporary conservator. Objector states that after four long mediations, the proper setting and care for the Conservatee was agreed upon pursuant to the agreement dated 10/16/13. This agreement also provided for Stanley Greenberg to be appointed permanent conservator of the person. Consequently, the only reason for the Objections filed by Ms. Amador and the legal fees incurred on behalf of Nadine Walker and Michele Torres was to pry into the finances of the trust under the guise of requesting to become conservators of the person and estate. In order to stop the endless lengthy communications, unfounded allegations, and unreasonable requests, Stanley Greenberg agreed to the appointment of the Public Guardian as Conservator of the Person and Estate. No wrongdoing was ever determined against Stanley P. Greenberg's handling of the assets or through his trust administration. Ms. Walker and Ms. Torres' petitions were simply a fishing expedition for information they were not entitled to receive, but was provided during mediations, and about which they simply would not stop making unreasonable requests. Probate Code §2640 allows a conservator of the estate to petition for compensation. Her client was not appointed as conservator, and the petition does not direct any specific party to pay said compensation. Objector refers to communication between the PG and Ms. Amador and requests that no compensation be approved to be paid by the estate of Conservatee for services rendered by Ms. Amador to Ms. Walker and Ms. Torres.</p> <p>SEE ADDITIONAL PAGES</p>	<p>NEEDS/PROBLEMS /COMMENTS:</p>	
Cont from 062515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
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	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
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	Status Rpt			
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	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 7/20/15
Updates: 7/21/15
Recommendation
File 7 - Greenberg

Page 2

Petitioner Catherine Amador filed Reply to Objection on 6/30/15. Petitioner states he petition for fees and costs is authorized under §2640.1 and should be granted. Her clients' actions have allowed the Conservatee to remain in her daughter's home where she is happy and well cared-for, and ensured that she will continue to do so unless or until Ms. Walker is unable to properly care for her at home. Moreover, it is no longer necessary for Ms. Walker to beg Mr. Greenberg for adequate funds, and a sensible budget has been developed by the PG. Their actions have benefitted the Conservatee and there has also been a reduction of strife and conflict among the family.

Petitioner states she has now incurred an additional three hours reviewing the file and preparing this reply, plus attendance at a second hearing. Therefore, fees are now increased from \$5,125 to \$6,250. See Reply for additional description of details/history.

Response filed 7/17/15 by Mr. Greenberg responds to the various details provided in the Reply and requests that no compensation be approved to Petitioner for services rendered to Ms. Walker and Ms. Torres.

Probate Status Hearing RE: Filing of the Inventory and Appraisal

		SHELIA STEARNS was appointed Conservator of the Person and Estate with bond of \$50,000.00 and \$425,000.00 to be placed into blocked accounts pursuant to Evidentiary/Settlement Conference Minute Order dated 2-25-14. The Order was signed on 3-5-14.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 06/25/15</u> Minute Order from 06/25/15 states: Counsel reports that his bonding agent requires a written order reducing bond; he will submit an order. Furthermore, he represents that the cash is inventoried, but he is still waiting on clarification of descriptions of mining interests in another county. Order Increasing Bond filed 06/26/15. 1. Need Inventory & Appraisal. 2. Need Bond in the amount of \$373,717.86.
Cont. from 040215, 052815, 062515			
<input type="checkbox"/> Aff.Sub.Wit.	<input type="checkbox"/>		
<input type="checkbox"/> Verified	<input type="checkbox"/>		
<input type="checkbox"/> Inventory	<input type="checkbox"/>	Ms. Stearns was formerly represented by Attorney Sheldon Feigel, who is no longer eligible to practice law. Mr. Rindlisbacher appeared for the conservator on 7-21-14. On 8-13-14, bond of \$50,000.00 was filed. Thereafter, Letters were issued on 8-25-14.	At a Status Hearing on 01/29/15, the Court set this matter for a status hearing regarding filing of the Inventory & Appraisal.
<input type="checkbox"/> PTC	<input type="checkbox"/>		
<input type="checkbox"/> Not.Cred.	<input type="checkbox"/>		
<input type="checkbox"/> Notice of Hrg	<input type="checkbox"/>		
<input type="checkbox"/> Aff.Mail	<input type="checkbox"/>		
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<input type="checkbox"/> CI Report	<input type="checkbox"/>		
<input type="checkbox"/> 9202	<input type="checkbox"/>		
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<input type="checkbox"/> FTB Notice	<input type="checkbox"/>	Updates:	
		Recommendation:	
		File 8 - Cook	

Atty

Kremer, Anton (Pro Per – Trustee – Petitioner) (Formerly represented by Lisa Horton)

Atty

Russo, Peter (for Kevin Lee Tracy – Objector/Respondent)

Notice of Motion and Motion for Order to Enforce Settlement Agreement; Memorandum of Points and Authorities; Declaration of Anton R. Kremer; Exhibits A through C

		ANTON KREMER , Trustee of the GLORIA E. ZSIBA REVOCABLE TRUST AGREEMENT dated 04/05/05 as Restated on 08/24/06 and Amended on 01/14/09, and intestate heir of GLORIA E. ZSIBA, filed a Petition to Invalidate Trust Dated October 1, 2013 and any amendments on the Grounds of Undue Influence and Incapacity, etc. , on 1/14/14.	NEEDS/PROBLEMS/COMMENTS: Continued from 4/30/15, 6/11/15. On 7/20/15, Petitioner filed a supplemental declaration. The following issues remain:	
Cont. from 043015, 061115				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			x
	Aff.Mail			x
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	x		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

On 10/16/14, the Court was advised by Lisa Horton (attorney for Anton Kremer) that an agreement was reached, and the Court set a status hearing re Acceptance of Terms and Conditions of the Proposed Agreement.

Note: It does not appear that any petition for approval of settlement or signed settlement agreement was ever presented to the Court.

On 3/19/15, a Substitution of Attorney was filed that reflects that Anton Kremer is now self-represented.

Mr. Kremer concurrently filed this **Notice of Motion and Motion for Order to Enforce Settlement Agreement, along with Memorandum of Points and Authorities**, requesting a judgment against Kevin L. Tracy requiring him to fulfill the terms of the Settlement Agreement.

Attached to the motion is an unsigned settlement agreement, along with various photos and lists of personal property items.

SEE ADDITIONAL PAGES

Reviewed by: skc
Reviewed on: 7/20/15
Updates: 7/21/15
Recommendation:
File 9 – Zsiba

1. Petitioner cites CCP §664.6, which allows the Court to enter judgment on a stipulation for settlement, and to retain jurisdiction for enforcement.

Here, the settlement agreement was never brought before the Court for judgment. Rather, the Court was informed of various terms of the settlement by status report of Petitioner's attorney only.

Petitioner has now filed this motion to enforce the settlement, with an unsigned agreement attached.

The Court may require authority to enforce settlement absent a signed settlement and Court judgment on the settlement itself, or any judgment on the original petition.

Otherwise, it appears that the original petition is still outstanding.

2. This motion was filed with a fee waiver. Given the circumstances and the apparent recovery of assets pursuant to this action, the \$60 filing fee for this motion may be due.

3. If this motion goes forward, need Notice of Hearing (mandatory Judicial Council Form) and proof of service on all interested persons at least 30 days prior to the hearing pursuant to Probate Code §17203. (See list in original petition of persons entitled to notice of proceedings.)

Page 2

Petitioner's Memorandum of Points and Authorities states Kevin L. Tracy has failed to fulfill the terms of the 10/15/14 Settlement Agreement which represents a mutually agreed, legally binding, contract. Both parties agreed, on the record, in open court and signed a written agreement covering all issues involved in the pending litigation. Petitioner requests the Court enter a judgment to enforce the settlement agreement pursuant to Code of Civil Procedure § 664.6 which states that if parties stipulate in a writing signed outside the presence of the court or orally before the court for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement, and may retain jurisdiction to enforce the settlement. Additional authority also cited. Petitioner describes various personal property items at issue and asks the Court to enforce the settlement agreement.

On 4/13/15, Kevin Lee Tracy filed Memorandum of Points and Authorities in Opposition to Petitioner's Motion to Enforce Settlement Agreement. Objector states he has fulfilled his end of the settlement agreement. Petitioner alleges that the items were delivered in poor condition. Objector states items were delivered in the condition in which they were found, and made good faith effort to find all items listed and deliver same to Petitioner. See description of circumstances. Attached is an unsigned settlement agreement. Objector respectfully asks the court for dismissal of Petitioner's motion for enforcement.

DOD: 09/16/13	CRAIG GAMMEL , nephew, was appointed as Administrator with full IAEA and bond set at \$270,000.00 on 04/15/14. Bond was filed 02/07/14 and Letters were issued on 05/20/14.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
Aff.Sub.Wit.	Inventory & Appraisal, Final, filed 12/17/14 - \$418,244.00	
Verified		
Inventory	Inventory & Appraisal, Corrected, filed 03/30/15 - \$465,561.00	
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/21/15
		Updates:
		Recommendation:
		File 10 – Gammel

		<p>PUBLIC GUARDIAN, was appointed Conservator of the Person and Estate on 02/26/14.</p> <p>Minute Order from 02/26/14 set this Status Hearing for filing of the First Account.</p> <p>Inventory & Appraisal, Final, Corrected filed 06/10/15- \$386,187.26</p> <p>Status Report Regarding Filing First Account filed 04/13/15 states: Preparation of the first account has been delayed due to short staffing. A 60 day continuance is requested.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>OFF CALENDAR</u></p> <p>First Account filed 07/16/15 and set for hearing on 08/26/15</p>
Cont. from 050115, 062515			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/20/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 11 - Nishioka</p>	

Case No. 14CEPR00847

Atty Hall, Christopher (for Contestant Christy Lynn Pedron)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA with Limited Authority (Prob. C. 8002, 10450)

DOD: 1/15/14			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>OFF CALENDAR. Request for Dismissal entered on 7/20/15.</p>
Cont. from 102314, 042315			
	Aff.Sub.Wit.	S/P	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	Aff.Mail	W/	
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/20/15
			Updates:
			Recommendation:
			File 12A – Martinson

DOD: 09/23/14	HEATHER AGUIRRE , daughter, was appointed as Administrator with bond set at \$352,000.00 on 12/18/14. Letters were issued on 03/23/15.	NEEDS/PROBLEMS/COMMENTS: 1. Inventory & Appraisal filed 07/16/15 is missing attachment 1. Need Inventory & Appraisal with Attachment 1.
Cont. from 042315	Minute Order from hearing on 12/18/14 set this matter for a Status Hearing re Filing of the Inventory & Appraisal on 04/23/14.	
Aff.Sub.Wit.		
Verified	Status Report re Filing of Inventory & Appraisal filed 04/15/15 states: The Inventory & Appraisal has not been prepared or filed because the decedent's conservatorship of the estate matter is still pending. The Conservator's Second and Final Account and Report of Conservator is scheduled for hearing on 05/11/15. It is anticipated that once the Second and Final Account is approved by the Court, the remaining funds in the Conservatorship Estate will be transferred to the Administrator to be inventoried. It is requested that a further status hearing be scheduled in approximately 90 days.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 07/20/15
		Updates:
		Recommendation:
		File 13 - MacMurray

14 Josefina PeManuel Galleto (Estate)**Case No. 15CEPR00255**Petitioner **Lao, Jeanette Galleto (Pro Per, daughter)****Petition for Letters of Administration (Prob. C. 8002)**

DOD: 12/30/1998		JEANETTE GALLETO LAO , daughter, is Petitioner and requests appointment as Administrator [bond not addressed.] Full IAEA — Need publication Decedent died intestate. Residence — Fresno Publication — Need	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR First Amended Petition for Letters of Administration filed 7/1/2015 is set for hearing on 8/11/2015. Note: Petition requests neither full nor limited <i>Independent Administration of Estates Act (IAEA)</i> authority. Declaration of Publication has not yet been filed to assist in confirming whether Petitioner in fact does not seek the grant of any IAEA authority. Probate Code §§ 9610 et seq., and §§ 9650 et seq., require court supervision of specific administrative transactions and actions taken where no IAEA authority has been granted. Pursuant to Probate Code § 10401, judicial orders, authorization, approval, confirmation or instructions are required for many actions during administration, which might otherwise be accomplished without Court authorization for a personal representative with full or limited IAEA authority. Petitioner would need to file an amended petition if Petitioner decides to seek full or limited IAEA authority for greater ease of estate administration.	
Cont. from 042315, 061114				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			X
<input type="checkbox"/>	Aff.Mail			X
<input type="checkbox"/>	Aff.Pub.			X
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
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<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Estimated value of the Estate:

Personal property	-	\$ 47,000.00
Real property	-	\$130,000.00
Total	-	\$177,000.00

Probate Referee: **Steven Diebert***

***Steven Diebert may be appointed for case No. 15CEPR00254 and also for 15CEPR00255 for consistency and convenience.**

Reviewed by: LEG**Reviewed on:** 7/22/15**Updates:****Recommendation:****File 14 – J. Galleto**

Age: 5		<p>DILILA AGANZA, mother, was appointed Guardian of the Estate on 04/23/15 with bond set at \$100,980.00.</p> <p>Declaration of Dilila Aganza Regarding Bond and Amount of Estate filed 07/07/15 states that the amount to be distributed to Francisco is less than initially thought and is actually \$9,287.55.</p> <p>Minute Order from 07/09/15 status hearing regarding filing of the bond states: The Court vacates any previous order with regard to bond and orders that the funds be placed into a blocked account, the amount being \$9,287.55. Mr. Thelan may submit an ex parte blocking order, and if the receipt is filed then no appearance is necessary on 07/23/15.</p> <p>Declaration of Dilila Aganza Regarding Bond & Amount of Estate filed 07/21/15 states: The institution where the funds will be deposited into a blocked account is Fresno County Federal Credit Union on Cedar Ave. in Fresno. The amount available for distribution has increased since the last hearing to \$11,736.37.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: No Order Appointing Guardian has been signed and/or filed.</p> <ol style="list-style-type: none"> 1. Need Order Appointing Guardian of Minor. Note: Order should reflect that funds are to be deposited into a blocked account. 2. Need Order to Deposit Money into Blocked Account (form MC-355). 	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order			x
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<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
		<p>Reviewed by: JF</p> <p>Reviewed on: 07/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 15 – Gonzalez</p>		

Petitioner Maria Saldana (Pro Per Petitioner, spouse)

Petition to Determine Succession to Real Property (Prob. C. 13151)

DOD: 1/18/2014		MARIA SALDANA , spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 6/11/2015. Minute Order states examiner notes provided in open court. Note: Petitioner Maria Saldana is Spanish speaking only. The following issues from the last hearing remain: 1. Item 13 of the <i>Petition</i> requests the property be distributed to Petitioner at 50% and to KATRINA SALDANA , Decedent's daughter, at 50% . Need amended <i>Petition</i> signed by both Petitioner and KATRINA SALDANA as Petitioners, since the Petitioner and KATRINA SALDANA are each <u>entitled</u> to an interest in the property pursuant to Probate Code § 6401(c)(2)(A), or if KATRINA SALDANA is deceased as Petitioner suggests, the heirs of KATRINA SALDANA are <u>entitled</u> to an interest in the property, pursuant to Probate Code § 6401(c)(2)(A). 2. <i>Attachment 11</i> to the <i>Petition</i> does not state the amount of the Decedent's interest in the real property as required. Court must be given this information by Petitioner under penalty of perjury, rather than Petitioner assuming the Court will infer the amount of Decedent's interest from the distribution percentages Petitioner includes in the <i>Petition</i> .
		40 days since DOD	
		No other proceedings	
Cont. from 043015, 061115			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

I & A - **\$68,000.00**

Decedent died intestate.

Petitioner requests Court
determination that Decedent's
[unspecified % interest] in real
property located on E.
Madison in Fresno passes to the
Petitioner and **KATRINA
SALDANA** pursuant to intestate
succession.

**Declaration of Petitioner Maria
Saldana, Spouse of Decedent
Re Probate Examiner Notes
from Last Hearing** was filed
7/20/2015.

Reviewed by: LEG
Reviewed on: 7/22/15
Updates:
Recommendation:
File 16 - Saldana

Petition for Probate of Will and for Letters Testamentary

DOD: 12/25/13		<p>SHANNON SCOGGINS, named alternate executor, without bond, is petitioner.</p> <p>Named executor Robert Jennings is deceased.</p> <p>Full IAEA – o.k.</p> <p>Will dated: 4/16/04</p> <p>Residence: Fresno Publication: Fresno Business Journal</p> <p>Estimated value of the Estate: Real property - \$500,000.00</p> <p>Probate Referee: Steven Diebert</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Wednesday, January 13, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, September 21, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
Cont. from 061815				
<input type="checkbox"/>	Aff.Sub.Wit.			S/P
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			W/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			

Reviewed by: KT
Reviewed on: 7/20/15
Updates:
Recommendation: SUBMITTED
File 17 - Jennings

Attorney Rowland, Woodford G. (of San Rafael, CA, for Petitioners)

Attorney Forbes, Donald R. (for Respondent)

Petition to Invalidate Trust Restatement for Lack of Capacity; Undue Influence, Elder Abuse

DOD: 12/9/14		WALTER LEACH, III and ALFRED W. LEACH, beneficiaries, are Petitioners.	NEEDS/PROBLEMS/COMMENTS:	
		Petitioners state the settlor, a resident of Novato, Marin County, CA, died there at age 99 on 12/9/14. She had no children, and her heirs at law are the four surviving children of her brother Walter, who is deceased, namely Walter Leach III, Alfred W. Leach, Susan Leach Hansen, and Walter W. Leach.	<u>SEE PAGE 3</u>	
	Aff.Sub.Wit.	On or about 1/31/14, the settlor established the trust (Exhibit A). Settlor subsequently executed a Restatement on 3/17/14. Settlor and Respondent SUSAN LEACH HANSEN , a resident of Fresno, CA, were co-trustees according to the restatement. Respondent is currently serving as successor trustee.	<p>Note: On 7/21/15, Petitioners filed Application of Robert P. Avolio, Esq. for Admission <i>Pro Hac Vice</i>, which is set for hearing 8/31/15 at 9:00 am in Dept. 303.</p>	
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen	<p>Petitioners state that under the terms of the settlor's previous estate-planning documents, as well as the laws of intestacy, each of the petitioners was a one-quarter beneficiary of the settlor's estate. Under the terms of the original trust, the settlor left 100% of her estate to Respondent. Under the terms of the restatement, the settlor left 80% of her estate to Respondent, with minimal shares to others.</p> <p>Petitioners state until approx. two years before her death, each of the petitioners had enjoyed a loving and constant relationship with the settlor, including correspondence, vacations when they were younger, mutual gifts on birthdays and holidays, and frequent telephone contact. Immediately before her death, the settlor again stated her love for both petitioners and her feeling of embarrassment and anger that she had been manipulated by Respondent.</p> <p>SEE ADDITIONAL PAGES</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 7/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 18 – Leach</p>	
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			X
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Petitioners state Settlor spoke of her lack of respect for Respondent, her disappointment with Respondent's failed marriages, her obvious attempts to integrate herself into the settlor's estate, her misuse of her own finances and bankruptcy filing, frequent unemployment and lack of accomplishments. On more than one occasion she commented that she was aware Respondent wanted a significant inheritance from her, but did not want to "reward failure" by leaving anything to her. About two years before her death, an abrupt change occurred in the Settlor's attitude towards Petitioners for no apparent reason. Petitioners believe the settlor was manipulated by Respondent.

First Cause of Action: Invalidity of Trust and Restatement for Lack of Capacity

Second Cause of Action: Invalidity of Trust and Restatement for Undue Influence

Third Cause of Action: Elder Financial Abuse

Fourth Cause of Action: Constructive Trust

See petition for description of each cause of action.

Petitioners request judgment as follows:

1. Invalidating the Trust and Restatement of Trust on the grounds that the Settlor lacked testamentary capacity when she executed the Trust and Restatement;
2. Invalidating the Trust and Restatement of Trust on the grounds that Respondent procured the Trust and Restatement by undue influence;
3. For compensatory damages pursuant to the Welfare and Institutions Code § 15657.5(a), awarded based on Petitioners' elder financial abuse claim as defined by Welfare and Institutions Code § 15610.30, in a sum to be determined by the Court, plus interest and other damages as defined by the Court;
4. For the issuance of a writ of attachment against Respondent pursuant to Welfare and Institutions Code § 15657.01 for the collection of damages in an amount to be determined by the Court;
5. For punitive damages pursuant to W&I Code § 15657.5 and Civil Code § 3294;
6. For reasonable attorney's fees pursuant to W&I Code § 15657.5(a), in an amount to be determined by the Court;
7. For double damages under Probate Code § 859;
8. For an order declaring that Respondent holds certain assets including real and personal property or proceeds or distributions therefrom;
9. For Petitioners' costs of suit herein, including reasonable attorney's fees; and
10. For any other relief that the Court considers just and proper.

Objection filed 6/18/15 by Respondent SUSAN LEACH HANSEN responds to the various causes of actions (denies, lacks sufficient evidence, admits/denies, etc.) and prays that the petition be denied, that Petitioners take nothing by reason thereof; that Petitioners be denied any interest in the trusts per the terms of the trust as if each of them had predeceased Marian E. Leach; that Respondent be awarded her costs, including attorneys' fees and/or penalties reciprocal with the claim made by Petitioners, and for such other and further relief as the Court deems just and reasonable.

On 6/18/15, the parties filed a Stipulation for Court Ordered Blocked Account and requested an ex parte order thereon. Order on Stipulation for Blocked Account was filed 6/19/15, and subsequently, a Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account was filed reflecting \$783,126.23 on deposit with Wells Fargo Bank, N.A., titled Susan Leach Hansen, Trustee of the Marian E. Leach Trust, 2014.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

1. Local Rule 7.1.1.C requires that the Probate Code section that allows the requested relief appear below the title of the pleading.

Petitioner does not provide authority for filing this petition in the Probate Court. Rather, the prayer refers to the Welfare and Institutions and Civil Codes, with additional damages under the Probate Code reliant on the other findings.

It appears that most of the relief sought in this petition would be more appropriately litigated in the Civil Court.

A subsequent probate trust filing may be appropriate once the other matters are litigated; however, damages under the Probate Code appear premature. Further, the prayer for double damages under Probate Code §859 does not appear appropriate here since the relief and damages are requested under the W&I and Civil Codes.

If this petition goes forward in the Probate Court:

2. Respondent Susan Leach Hansen was served "C/O" her attorney only. Direct notice is required by Probate Code §1214 and Cal. Rule of Court 7.51.
3. An additional attorney was served: Daryl Weinroth of Novato, CA. The Court may require clarification as to which party Mr. Weinroth represents.
4. Need Order. See Local Rules 7.1.1.F and 7.6.1.

Reconsideration Hearing Re: Medical Consent Powers

		PUBLIC GUARDIAN was appointed Conservator of the person and estate on 7/2/15.	NEEDS/PROBLEMS/COMMENTS:
		Letters issued on 7/21/15.	1. Need Capacity Declaration supporting medical consent powers.
Cont. from		The Petition for Appointment of Conservator included a request for medical consent powers. A Capacity Declaration was not filed.	2. If Capacity Declaration supporting medical consent powers is filed will need Amended Orders and Letters.
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.	Minute Order dated 7/2/15 states the Court grants the petition without medical consent powers at this time due to lack of a Capacity Declaration. This reconsideration hearing was set to reconsider the request for medical consent powers.	
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 7/21/15
			Updates:
			Recommendation:
			File 19 – Cotton

Attorney Soares, Joseph F., of Tulare (for Petitioner Jesus aka Jesse Torres)

Petition to Determine Succession to Real and Personal Property

DOD: 10/15/2014	SANTOS TORRES and JESSE TORRES, sons, are Petitioners.		NEEDS/PROBLEMS/COMMENTS: <u>Page 25</u> is the related special administration for the <i>Estate of Lupe Pendergraft</i> , Case 15CEPR00557. The instant petition is contingent upon the granting of the special administration sought for the purpose of executing an <i>Affidavit Re Real Property</i> to transfer the 25% real property interest of the Decedent's spouse to the Decedent for distribution from the instant case. <u>Continued from 7/7/2015.</u> Minute Order states continued to meet up with the related Petition for Letters of Special Administration. (Note: All issues have been addressed.)
Cont. from 070715	40 days since DOD.		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified	No other proceedings.		
<input checked="" type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.	I & A - \$96,633.48		
<input checked="" type="checkbox"/> Notice of Hrg	Decedent died intestate.		
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.	Petitioner requests Court determination that Decedent's 50% interest in real property located at 5 th Street, Clovis, and 100 % interest in personal property, passes to the petitioner pursuant to intestate succession.		
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

Reviewed by: LEG
Reviewed on: 7/22/15
Updates:
Recommendation: SUBMITTED
File 20 - Pendergraft

Attorney Hurlbutt, James P. (for Gloria Ann Barragan – Mother – Petitioner)

Attorney Knudson, David (Court appointed counsel for Proposed Conservatee)

Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/COMMENTS:
			Court Investigator advised rights on 7/1/15
			1. Page 22 of this calendar is the related petition to establish a special needs trust.
			In this conservatorship petition, Petitioner requests authority to execute documents related to the proposed special needs trust, and includes those documents in the proposed conservatorship order and letters.
			Because the proposed special needs trust is a separate petition, the proposed trust orders and documents should not be included as part of the conservatorship order, but rather should be included as part of the order establishing same in that separate case file.
			Therefore, need revised proposed order, specifically Attachment 29, authorizing Petitioner as conservator to establish the SNT, but not ordering its creation here, since it is being created pursuant to separate order.
			Reviewed by: skc
			Reviewed on: 7/21/15
			Updates:
			Recommendation:
			File 21 – Barragan
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
✓	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

Attorney

Hurlbutt, James P. (for Gloria Ann Barragan – Proposed Conservator – Petitioner)

Petition for Creation and Funding of Pooled Special Needs Trust Pursuant to Probate Code Section 3600 Et Seq.

			See petition for details.	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Petitioner requests transfer of venue to San Bernardino County for accountings. The Court may require clarification re how such transfer is in the best interest of the beneficiary with reference to Probate Code §2200 et seq., and CRC 7.903, which requires accounting in accordance with the Probate Code requirements for conservatorships. The conservatorship is here, the beneficiary/Conservatee resides in Fresno, CA, and the mother/Conservator resides in Merced, CA.</p> <p><u>SEE ADDITIONAL PAGES</u></p>
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
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	Sp.Ntc.			
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	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 7/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 22 – Barragan</p>	

Page 2

NEEDS/PROBLEMS/COMMENTS (Cont'd):

2. The proposed bond calculation does not include trust income, such as estimated income from investments (not stated) and the semi-annual payments of \$9,843.75. The Court may require updated information and recalculated bond amount.
3. Also re bond: Petitioner provides the value of the proposed trust estate as of 9/30/14, which is almost a year ago. The Court may require clarification or more current figures for bond calculation purposes. For instance, have one or more semi-annual payments of \$9,843.75 been received during the intervening time? Interest?
4. Need clarification regarding Petitioner's request for reimbursement of attorney fees. Petitioner states she has agreed to pay attorney's fees and costs from her personal funds, but requests that the court allow the trustee to reimburse her these amounts. However, no itemization is provided in accordance with Cal. Rules of Court 7.751(b) and 7.702, and the proposed order does not appear to include such authorization.
5. The proposed trust provides that SNT funds may be used for various necessities including larger items such as a vehicle. The Court may require that such personal property assets purchased with trust funds be held or accounted for as assets of the trust, similar to the provision for the purchase of real property.
6. Need new proposed order with the following corrections:
 - The petition and proposed order refer to the trustee as "Inland County Regional Center, Inc.;" however, the trustee's correct name is, "Inland Counties Regional Center, Inc." The Court may require revised proposed order.
 - The proposed order does not include the proposed terms of the proposed SNT. Rather, it appears Petitioner has attached the proposed SNT to the proposed Conservatorship order. Pursuant to Local Rule 7.6.1.D, the order must be complete in itself without reference to the petition upon which it is based. (See also 7.6.1.B, which requires that the signature line appear after all exhibits.)

Note: If granted, the Court will set a status hearing for the filing of the first account as follows:

- Thursday, Sept. 22, 2016 for the filing of the first account.

If filed prior to the status hearing pursuant to Local Rule 7.5, that date will come off calendar in favor of the date set for the first account at filing.

the **Petition for Letters of Administration; Authorization to Administer Under Independent Administration of Estates Act**

DOD: 6/12/2007	ABDOWALI MOHAMED , son, is petitioner and requests appointment as Administrator without bond.		NEEDS/PROBLEMS/COMMENTS: Minute order dated 7/9/15 states if the necessary waivers are filed, the Court is prepared to grant the petition so that the 7/23/15 hearing can come off calendar. As of 7/20/15 the following issue remains. 1. Waivers on bond must be on the mandatory Judicial Council form. (Form no. DE-142) Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Wednesday, January 20, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Wednesday, September 14, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
	All heirs waive bond.		
Cont. from 070915	Full IAEA – o.k.		
<input type="checkbox"/> Aff.Sub.Wit.	Decedent died intestate.		
<input checked="" type="checkbox"/> Verified	Residence: Fresno Publication: Fresno Business Journal		
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input checked="" type="checkbox"/> Aff.Pub.	Estimated value of the estate: Real property - \$200,000.00		
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen	Probate Referee: Steven Diebert.		
<input checked="" type="checkbox"/> Letters			
<input checked="" type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

24 Russell William Zindars (Estate)**Case No. 15CEPR00577**

Attorney: Judith A. Wright (for Petitioner Carolyn M. Fuhrmann)

Petition for Probate of Will and for Letters Testamentary with IAEA

DOD: 4/26/11		CAROLYN M. FURHMANN , named executor without bond, is petitioner. Full IAEA – not published for Will dated: 8/8/08 Residence: Prather Publication: Mountain Press Estimated value of the estate: Personal property - \$ 90,500.00 Real property - \$ 60,000.00 Total - \$150,500.00 Probate Referee: Rick Smith	NEEDS/PROBLEMS/COMMENTS: 1. Petition requests full IAEA authority. Notice of Petition to Administer the Estate did not include the request for IAEA authority. Probate Code §10451 states if the authority to administer the estate under IAEA is requested in the petition, notice of the hearing on the petition shall be given for the period and in the manner applicable to the petition for appointment and shall include the request to administer under IAEA. 2. Publication did not include the request to administer the estate under IAEA. Probate Code §8121. Note: If the petition is granted, status hearings will be set as follows: • Wednesday, January 13, 2016 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. • Wednesday, September 21, 2016 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
Cont. from			
✓	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
✓	Aff.Mail W/O		
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Reviewed by: KT Reviewed on: 7/21/15 Updates: Recommendation: File 24 – Zindars			

Dept. 303, 9:00 a.m. Thursday, July 23, 2015

Attorney Soares, Joseph F., of Tulare (for Petitioner Jesus aka Jesse Torres)

Petition for Letters of Special Administration

DOD: 10/15/2014	JESSE TORRES , son, is Petitioner and requests appointment as Special Administrator.		NEEDS/PROBLEMS/COMMENTS:
	Full IAEA — IAEA not requested		
	Decedent died intestate.		Page 20 is related case of the <i>Petition to Determine Succession to Real and Personal Property</i> , in the Estate of Lupe Pendergraft Case 15CEPR00557.
Cont. from 070615			
<input type="checkbox"/> Aff.Sub.Wit.			Continued from 7/6/2015. Minute Order states continued due to noticing issue. (Note: All issues have been addressed.)
<input checked="" type="checkbox"/> Verified	Residence — Clovis Publication — Not published		
<input checked="" type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	W/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input checked="" type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			

JESSE TORRES, son, is Petitioner and requests appointment as Special Administrator.

Full IAEA — IAEA not requested

Decedent died intestate.

Residence — Clovis
Publication — Not published

Estimated value of the Estate:

Real property - **\$27,500.00**

Total - **\$27,500.00***

*25% value; 100% value is \$110,000.000

Probate Referee: **Steven Diebert**

Petitioner states:

- Petitioner is the son of the Decedent; Decedent was the wife of **THOMAS H. PENDERGRAFT**, and the Petitioner, Decedent and Thomas Pendergraft owned an interest in real property in Clovis [description omitted];
- The real property was vested as "Thomas Pendergraft and Guadalupe Pendergraft, husband and wife, and Jesse Torres, a married man";
- Thomas Pendergraft died on 4/20/2013 (copy of death certificate attached as Exhibit A);
- Prior to the death of Decedent on 10/15/2014, no action was taken as to the Estate of Thomas H. Pendergraft, which consisted only of the real property on 5th Street in Clovis;

~Please see additional page~

Reviewed by: LEG

Reviewed on: 7/22/15

Updates:

Recommendation:
SUBMITTED

File 25 - Pendergraft

Petitioner states, continued:

- On the date of Thomas Pendergraft's death on 4/20/2013, the real property value was **\$27,500.00** for his 25% interest (*copy of inventory and appraisal attached as Exhibit C*);
- As a result of Decedent's failure to take any action in regard to Thomas Pendergraft, and in an effort to avoid probate administration of the small estate of Thomas Pendergraft, Petitioner is requesting that Court appoint him as Special Administrator pursuant to Probate Code § 8540 and allow Petitioner to execute, on behalf of Decedent, an *Affidavit Re [Real Property] of Small Value* allowing the interest of Thomas Pendergraft to be transferred to the estate of Decedent;
- Petitioner has filed on behalf of the estate of Decedent, a Petition to Determine Succession to Real Property pursuant to Probate Code § 13151 in Case 15CEPR00557;
- Petitioner alleges that the special appointment would be appropriate under the circumstances for the preservation of the estate of Decedent.

Petitioner requests:

1. That he be appointed Special Administrator for Decedent's estate without the requirement of a bond, and that the Letters of Special Administration be issued forthwith and that he be granted the power to execute the *Affidavit Re [Real Property] of Small Value* pursuant to Probate Code § 13200 to allow Thomas Pendergraft's interest in the real property to be transferred to the estate of the Decedent that pertains to the real property on 5th Street in Clovis; and
2. That *Letters of Special Administration* will expire on issuance and recording of Affidavit transferring real property interest of Thomas H. Pendergraft to Decedent's estate, or September 1, 2015, whichever is earlier.

Petition to Appoint Conservator of the Person

			<p>THERE IS NO TEMPORARY. No temporary was requested.</p> <p>JULIE D. RIVERA, mother, is petitioner.</p> <p>Please see petition for details.</p> <p>Court Investigator Report filed on 7/16/15.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Court Investigator advised rights on 7/10/15.</p> <p>Voting Rights affected need minute order.</p>
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W/		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
✓	Video Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
✓	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 7/21/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 26 – Rivera</p>	

27 Nolan Boudreau (GUARD/P) Case No. 15CEPR00669

Petitioner Estis, Deborah (Pro Per- Maternal Grandmother)

Petition for Appointment of Temporary Guardianship of the Person

Age: 3 months	GENERAL HEARING 09/09/2015	NEEDS/PROBLEMS/COMMENTS:
	DEBORAH ESTIS , maternal grandmother, is petitioner.	1. Need proof of personal service five (5) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Temporary Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none">Felix Cheng (Father)
Cont. from	<u>Please see petition for details</u>	
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.	x	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/21/2015
		Updates:
		Recommendation:
		File 27 – Boudreau

Petitioner: Mark Thompson (pro per – father)
Petitioner: Janessa Thompson (pro per – mother)

Petition to Establish Fact, Time & Place of Birth

	MARK THOMPSON , father, and JANESSA THOMPSON , mother, are petitioners. Please see petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail		
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
Reviewed by: KT		
Reviewed on: 7/21/15		
Updates:		
Recommendation:		
File 28 – Thompson		

Petitioner: Mark Thompson (pro per – father)

Petitioner: Janessa Thompson (pro per – mother)

Petition to Establish Fact, Time & Place of Birth

			MARK THOMPSON , father, and JANESSA THOMPSON , mother, are petitioners. See Petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 7/21/15
				Updates:
				Recommendation:
				File 29 - Thompson

Petitioner: Mark Thompson (pro per – father)

Petitioner: Janessa Thompson (pro per – mother)

Petition to Establish Fact, Time & Place of Birth

			MARK THOMPSON , father, and JANESSA THOMPSON , mother, are petitioners. Please see petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
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	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 7/21/15
				Updates:
				Recommendation:
				File 30 – Thompson

Petitioner: Mark Thompson (pro per – father)

Petitioner: Janessa Thompson (pro per – mother)

Petition to Establish Fact, Time & Place of Birth

			MARK THOMPSON , father, and JANESSA THOMPSON , mother, are petitioners. Please see petition for details.	NEEDS/PROBLEMS/COMMENTS:
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 7/21/15
				Updates:
				Recommendation:
				File 33 – Thompson